

MINUTES

P & Z COMMISSION HEARING

February 18, 2010

ATTENDANCE P & Z Commissioners

ATTENDED

1. Bob Hall
2. Joel Lawson
3. Ruth Ann Smith
4. Jason Hatch
5. Ruth Ann Smith
6. Wendell DeCross
7. Chuck Teetsel

ABSENT

1. Evelyn M. Meadows
2. Carol Davis
3. Bill Rawlings
4. Rick Slone
5. Robert K. Black, Jr.

Staff Attendance

Greg Loper
Bill Fraley
Trent Larson

Alberto L. Peshlakai
Bill Bess
Lance Payette

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:00 to

Chairman, Wendell DeCross called the meeting of the Navajo County Planning & Zoning Commission to order. Mr. DeCross led the Pledge of Allegiance and explained the meeting procedures to the public, as well as some of the housekeeping rules. He asked those who wish to address the Planning and Zoning Commission to come to the podium, and state their name prior to speaking, and reminded everyone to be sure to sign in. Mr. DeCross announced that they were going to change the way the Commissioner's vote. In the past they have done a role call vote, now there will be a voice vote, unless it is close; then they will vote by role call.

Item # 1 – SPECIAL USE PERMIT, FAMILY CAMP, BURTON AREA: Discussion and possible Commission action on a request by Keith Perkins for a Special Use Permit to allow a Family camp on the 2.5 acre parcel. APN: 205-29-003J, in Section 19, T11N, R21E, located at 1635 Williams Lane.

Bill Fraley presented the Staff report for the Special Use Permit, for a Family Camp located in the Burton Area. **Mr. Fraley** pointed out the location on the site map, which is near highway 260 west to Burton Road, northwest, 5 miles to west Burton Road, east to Williams Road, south to property. **Mr. Fraley** stated the Special Use Permit is to allow the establishment of a Family Camp in the A-General zone and the purpose for the Family Camp to provide guest rooms for participants in missionary-prep workshops. There is a manufactured home existing on the property and two park model-type units, each approximately 220 square feet in area will be provided as sleeping quarters. Staff noted there may be some additional traffic entering and exiting Burton Road and locating a family camp for missionary-prep workshops on the property may result in more traffic, potential for dust and noise pollution, erosion, and trash problems. The Public Works Department staff has reviewed the High Bar Ranch family camp proposal and determines that it doesn't have any major items of concerns, but has conditions that should be applied should the Commission decide to grant this Special Use Permit request, which were read into the record.

Owner/Applicant Comments: No comments from owner/applicant.

In Favor: No one from the public came forward in favor of this Special Use Permit.

Opposed: No one from the public came forward in opposition of this Special Use Permit.

Staffs Questions/Comments: None

Bob Hall asked if the area is presently being used for the intended purpose. Bill Fraley responded that yes the workshops are being conducted within the manufactured home, but want to upgrade in class size. **Wendell DeCross** further clarified for Mr. Hall that the workshops are presently being conducted in the manufactured home. **Bob Hall** asked staff if there are any complaints existing. **Chuck Teetsel** asked staff if there were any letters in favor or in opposition. **Bill Fraley** responded that he has not received any.

A motion was made by **Bob Hall** to approve this Special Use Permit with recommendations and conditions stated by staff.

PUBLIC WORKS DEPARTMENT RECOMMENDATION: Should the Commission grant this Special Use Permit, staff would recommend the following stipulations be applied: 1. *The permitted Special Use Permit shall run with the land.* 2. *This Special Use Permit shall permit the development of a Recreational and Family Camp with ancillary support facilities on the subject property.* 3. *The permitted "cabinette" units and septic and leach field shall be placed in the location shown on the approved site plan.* 4. *Placement permits must be obtained from the County Building Department for placement of the two "cabinette" units on the property. All building department set-up and placement requirements must be adhered to and inspected for conformance.*

The motion was seconded by **Chuck Teetsel** and passed unanimously. In Favor: 6, Opposed: 0

Item # 2 – SPECIAL USE PERMIT, METEOROLOGICAL TOWER, WINSLOW AREA: Discussion and possible Commission action on a request by Airborn Energy Development for a Special Use Permit to place a Meteorological testing tower with a total height of 197 feet, for the purpose of measuring wind for the potential of developing alternative power on APN: 111-07-001B, in Section 8, T16N, R17E.

Greg Loper presented the Staff report for the Special Use Permit, for Meteorological Tower near the Winslow area. **Mr. Loper** pointed out the location of the on the site map, which is South of Winslow approximately 15 miles along Highway 99, and East of Highway 99 approximately 7 miles; a portion of the Perkins/McCauley Ranch. **Mr. Loper** stated that it's a special use permit that would allow, if approved, for a 197 feet meteorological tower that would measure wind on the subject parcel for the potential of developing an alternative power source. The Public Works Department staff has reviewed the Special Use Permit proposal and determines that it doesn't have any major items of concerns, but has conditions that should be applied should the Commission decide to grant this Special Use Permit request, which were read into the record. Mr. Loper requested that stipulation number 11 be removed from consideration due to that it was carried through from a previous project where it was adjacent to a particular roads ways and this instances the site chosen in the general location of the parcel which is toward the center portion of the section, and it does not apply to this case. **Joel Lawson** asked if it's just the 750 feet from public roadways not the entire wording for eleven. **Mr. Loper** responded that number eleven can be removed due to that it isn't adjacent to any public roadways, and used to site plan map to show the location of the proposed meteorological tower.

Owner/Applicant Comments: Bruce Ironside of Ironside Engineering of Show Low, Arizona introduced himself and stated that he is representing Airborn Energy Development and is available to answer any questions if any from the commission.

In Favor: **Tom McCauley**, family is the owner of the property for over 120 years whose is favor of the proposed project. **Dannette Weiss** of Game and Fish presented three (3) concerns: 1. Met tower construction, 2: Departmental Personnel Safety and 3: implementation in way of guide wire lines. The met towers that are guide actually kill four times as many birds than unguided towers they request that the proponents of bird flight diverters along the guide wires be included, to allow the birds to see the guide wires and divert their flight path which will cut down the birds mortality associated with the met towers. **Ms. Weiss** requested that Ana bat detectors which actually detects bat use within the area to help them determine if the area is a high use bat area and will cut down on bat mortality. Game and Fish Departmental Personnel Safety wildlife manager and other personnel do low level flight surveys weather its fix wing or helicopters and they do these at 150-200 feet off the ground. The purpose for these surveys is to determine how big game populations are doing. Met towers pose a significant issue with them flying and have documented 5 near collision region one alone which is Apache and Navajo Counties some have been a little farther out when they saw the towers but they still divert their flight path one instance they flew over a tower they didn't know was there. Ms. Weiss request that installation of aircraft warning markers be installed on the towers as well. This will be beneficial for Department Personnel when doing low flight surveys.

Greg Loper referred to stipulation number 6 that address the strobes-type lighting and alternating colors and asked if that was sufficient or would they want language that they meet with other guidelines. **Ms. Weiss** responded that Game and Fish is not requiring the lighting be installed on the meteorological towers it's only for the turbines which they are requesting they do not install strobe-type lighting on the turbines due to that it attracts bats and prefer that the red light-type be installed to avoid bat mortality. **Ken McCauley** spoke in favor of the Special Use Permit and provided a brief history of the area. **Connie Harris** from Las Vegas who own 780 acres of the area stated they are in favor of the proposed project. **Francis McCauley-Perkins** reaffirmed that her entire family is in favor of the proposed project.

Opposed: **Tom Lemmon**, owner of 80 acres north of the location provided the commissioners a letter of opposition and printouts of searches that are against the development of Wind Turbines. Mr. Lemmon read the letter to the commission. **Dale Lewis** asked who is finically responsible to remove the tower once it's no longer being used. **Greg Loper** responded that there is not a stipulation for decommissioning the tower and if not removed after such use will result in a code enforcement issue. Wendell DeCross referenced that stipulation number 15 addresses Mr. Lewis question. **Gary Gumbel** suggested that a timeframe for the decommissioning of the tower be added. **Greg Loper** responded that the Special Use Permit for the meteorological towers is for 36 months, and concurred that stipulation number 15 addresses Mr. Lewis and Gumbel concern.

Staffs Questions/Comments:

Greg Loper asked the commissioners to look at stipulation number 7 of the staff report and admonished that they have the revised stipulation that is referencing the two aircraft warning makers. The commissioners responded they have the revised staff report. **Chuck Teetsel** referenced stipulation number 6 that addresses strobe lighting, and asked if that is due to the type of lights. **Greg Loper** responded that the strobe lighting at night is distracting, and intrusive. **Chuck Teetsel** responded that during the day strobe lighting is visible and at dusk it goes to red lighting to reduce the light pollution. **Dannette Weiss** state that the aircraft warning markers, according the wildlife mangers on the flights the orange balls which are sufficient to where they can see the markers a mile away. The strobe lights will attract bats and that will increase bat mortality. **Chuck Teetsel** questioned Ken McCauley who do you think the customer of the energy will be. **Ken McCauley** responded that he assumes that it would be 50 % Salt River Power and 50 % Arizona Public Service. **Chuck Teetsel** responded that if the developer told you that S.R.P. and A.P.S. are potential distributors of the power and asked Mr. McCauley if he knows how more the power created will be getting out of the area. **Mr. McCauley** responded that he doesn't know. **Chuck Teetsel** responded that the existing transmission lines are at its capacity, and if turbines are to be developed there will be no way to get the power out, and is wanting to know if the family has been told or asked if the existing road is being considered to be used to outsource the power. **Wendell DeCross** made a comment in reference to Ms. Weiss stating the Game and Fish Personnel while conducting surveys from the air that the pilot is not looking down. Ms. Weiss responded that the pilot isn't looking down. **Chuck Teetsel** commented that even if you know if you're looking for something, there is a possibility you won't see it.

A motion was made by **Bob Hall** to approve this Special Use Permit with recommendations and conditions stated by staff with removal of Stipulation Number eleven (11) and to include a large orange ball.

PUBLIC WORKS DEPARTMENT RECOMMENDATION: Should the Commission grant this Special Use Permit, staff would recommend the following stipulations be applied: 1. This *Special Use Permit shall allow for the installation of a meteorological tower, with a maximum height of 197 feet.* 2. *The meteorological tower shall be allowed to occur only in the location as indicated on the approved site plan, except as may otherwise be approved by the Navajo County Public Works Department.* 3. *Building permits are required for the meteorological tower and any accessory uses (such as fences, etc.), and the issuance of a permit shall be acquired prior to placement of any meteorological tower.* 4. *A Floodplain Use Permit (where required) shall be obtained prior to issuance of any building permits.* 5. *Meteorological tower and all guy-wire attachments/footings shall be enclosed by a security fence with a maximum height of 8' (excluding barbed wire or cyclone wire). Information regarding who to contact in the event of an emergency or any problems with the tower or its associated uses & structures shall be placed upon the fence. The information is to include a contact name, company name, and phone number for someone who can be reached 24 hours a day, 7 days a week.* 6. *The meteorological tower shall include the installation of low-intensity, red blinking lighting for night-time visibility that conforms to FAA and FCC regulations. The use of strobes or strobe-type lighting is prohibited. The meteorological tower shall also be painted in alternating orange/red and white colors in conformance with FAA and FCC requirements.* 7. *Prior to acquiring a building permit, the developer shall work with the Game & Fish Department to determine the*

installation of Bird Flight Diverters on the guy wires, the location of acoustic monitoring stations on the meteorological tower, and the installation of at least two (2) aircraft warning markers near the apex of the meteorological tower. 8. Prior to acquiring a building permit, the developer shall work with the Arizona Game & Fish Department and the U.S. Fish & Wildlife Service to select a meteorological tower site that avoids habitat features that congregate wildlife. 9. Provide GPS locations of the final site of the meteorological tower to the Arizona Game and Fish Department, and to the Navajo County Public Works Department. 10. The meteorological tower shall be located so it will not fall onto an adjacent property nor another structure. ~~11. The minimum setback for the meteorological tower shall be 1,000' from the property boundary, and 750' from any public roadway.~~ 12. Prior to issuance of any building permits for the meteorological tower, the developer shall submit to the Navajo County Public Works Department information regarding the manufacturer of the tower, structural information, information regarding who to contact in the event of an emergency or any problems with the tower, and information regarding how data is collected and transmitted. 13. Construction of the meteorological tower shall commence within twelve (12) months following approval by the Navajo County Board of Supervisors. Failure to do so may result in a review by the Board of Supervisors for possible revocation of the Special Use Permit. 14. The Special Use Permit shall be reviewed 36 months after Board of Supervisors approval by the Navajo County Planning and Zoning Department to determine whether it should be extended or terminated. 15. Development and use of the site shall include efforts, such as Best Management Practices, to reduce & mitigate dust created by this project. Efforts shall also be made to reduce the removal of vegetation during construction and use of the site and any roadways that provide access to the site. Upon the removal of the meteorological tower and associated structures, the site and any roadways that provide access to the site shall be restored and re-vegetated to their current/native condition.

The motion was seconded by **Jason Hatch**, and passed unanimously. In Favor: 5, Opposed: 1

Item # 3 – SPECIAL USE PERMIT, METEOROLOGICAL TOWER, MARCOU MESA, HOLBROOK AREA: Discussion and possible Commission action on a request by Disgen Development Services, LLC for a Special Use Permit to place a Meteorological testing tower with a total height of 197 feet, for the purpose of measuring wind for the potential of developing alternative power on APN: 104-67-001E, in Section 10, T19N, R20E.

Greg Loper presented the Staff report for the Special Use Permit, for Meteorological Tower. **Mr. Loper** informed the commission that item number 4 is the same as item number 3; which is presently being presented which are both Special Use Permits for Meteorological Towers by the same developer, Disgen and in the general area which need separate motions. **Mr. Loper** displayed an aerial map of the proposed projects that depicts the locations of both meteorological towers which is on the Marcou Mesa area approximately 10 miles north of the Perkins Valley Area and near the Porter/Black Rock Road, which is 3.7 miles north of Joseph City. **Mr. Loper** stated that it's a special use permit that would allow, if approved, for a 197 foot meteorological tower that would measure wind on the subject parcel for the potential of developing an alternative power source for both locations stated for item 3 and 4. The Public Works Department staff has reviewed the Special Use Permit proposal and determines that it doesn't have any major items of concerns, but has conditions that should be applied should the Commission decide to grant this Special Use Permit request, which were read into the record. **Mr. Loper** requested that stipulation number 11 be removed from consideration due to that it was carried through from a previous project where it was adjacent to a particular roads ways and this instances the site chosen in the general location of the parcel which is toward the center portion of the section, and it does not apply to this case.

Owner/Applicant Comments: Scott Osborne, applicant provide information as to the aircraft warning markers which Mr. Osborne provided a sample of the marker, bat sensors can be installed as well, which is about 130' off the ground, by taking the data it would determine what type of species of bat and determine the type of diverters to avoid bat mortality as well as to installing bird diverters.

In Favor: No one from the public came forward in favor of this Special Use Permit.

Opposed: Dale Lewis recommended that a stipulation be inserted addressing the decommissioning of the meteorological tower.

Kerry Ingersoll stated that she recalled from a previous Planning and Zoning Commission that a question from Commissioner Lawson was asked of Mr. Worsely if the towers are reusable. **Joel Lawson** responded to Mrs. Ingersoll question that his question can you save the money spent to erect the towers by reusing them and Mr.

Worsley responded that there is still labor involved and there is no savings involved due to the laboring of erecting and taking down the tower. Scott Osborne stated that the cost per tower is around \$16 thru \$20,000.00 and for removal of the tower is around \$7 thru \$10,000.00 per tower. Connie Harris stated that she is in favor of the project for the record.

Staffs Questions/Comments:

Chuck Teetsel asked Mr. Osborne where other towers have been developed and how is wind compacity factors in our area of Arizona compare to some of the states you stated. . **Mr. Osborne** responded that he has developed towers in Oklahoma, Kansas, Colorado, Nebraska North and South Dakota, Wyoming, Nevada, California, and New Mexico. The strongest wind is in Wyoming and New Mexico east of the Sandia Mountains. Chuck Teetsel asked what is the overview of the process in establishing a wind farm. **Mr. Osborne** agreed to Mr. Teetsel assumption and that land owners contact the developer and at times the developer does letter writing to land owners which was done in this case. Wendell DeCross referred to Mr. Tom Lemmon hand out that included information the United State Energy Information Administration report and requested that he would like to see someone accountable for the removal of the meteorological towers due to putting into consideration of the current financial situation with State of Arizona and County as an additional requirement for the removal of the towers should the developer walk away and not remove it. Joel Lawson agreed that adding the stipulation and they didn't do it, it would take as long as the other process. **Lance Payette** stated that you would basically request that a performance bond be required to avoid that problem or your will not prevent that issue Commissioner Lawson stated. **Chuck Teetsel** asked if the stipulation per the commissioners concern it's not necessary in removing the tower but just laying it down on the ground. Bob Hall referenced stipulation number 15 that addresses the issue. **Greg Loper** stated that a simple stipulation can be added to remove the tower within a certain amount of time or the commission can require some type of performance bond be required.

A motion was made by Jason Hatch to approve this Special Use Permit with recommendations and conditions stated by staff adding the stipulation to remove tower within six months and removal of stipulation number eleven (11)

PUBLIC WORKS DEPARTMENT RECOMMENDATION: Should the Commission grant this Special Use Permit, staff would recommend the following stipulations be applied: 1. This *Special Use Permit shall allow for the installation of a meteorological tower, with a maximum height of 197 feet.* 2. *The meteorological tower shall be allowed to occur only in the location as indicated on the approved site plan, except as may otherwise be approved by the Navajo County Public Works Department.* 3. *Building permits are required for the meteorological tower and any accessory uses (such as fences, etc.), and the issuance of a permit shall be acquired prior to placement of any meteorological tower.* 4. *A Floodplain Use Permit (where required) shall be obtained prior to issuance of any building permits.* 5. *Meteorological tower and all guy-wire attachments/footings shall be enclosed by a security fence with a maximum height of 8' (excluding barbed wire or cyclone wire). Information regarding who to contact in the event of an emergency or any problems with the tower or its associated uses & structures shall be placed upon the fence. The information is to include a contact name, company name, and phone number for someone who can be reached 24 hours a day, 7 days a week.* 6. *The meteorological tower shall include the installation of low-intensity, red blinking lighting for night-time visibility that conforms to FAA and FCC regulations. The use of strobes or strobe-type lighting is prohibited. The meteorological tower shall also be painted in alternating orange/red and white colors in conformance with FAA and FCC requirements.* 7. *Prior to acquiring a building permit, the developer shall work with the Game & Fish Department to determine the installation of Bird Flight Diverters on the guy wires, the location of acoustic monitoring stations on the meteorological tower, and the installation of at least two (2) aircraft warning markers near the apex of the met tower.* 8. *Prior to acquiring a building permit, the developer shall work with the Arizona Game & Fish Department and the U.S. Fish & Wildlife Service to select a meteorological tower site that avoids habitat features that congregate wildlife.* 9. *Provide GPS locations of the final site of the meteorological tower to the Arizona Game and Fish Department, and to the Navajo County Public Works Department.* 10. *The meteorological tower shall be located so it will not fall onto an adjacent property nor another structure.* ~~11. The minimum setback for the meteorological tower shall be 1,000' from the property boundary, and 750' from any public roadway.~~ 11. *Prior to issuance of any building permits for the meteorological tower, the developer shall submit to the Navajo County Public Works Department information regarding the manufacturer of the tower, structural information, information regarding who to contact in the event of an emergency or any problems with the tower, and information regarding how data is collected and transmitted.* 12. *Construction of the meteorological tower shall commence within twelve (12) months following approval by the Navajo County Board of Supervisors. Failure to*

do so may result in a review by the Board of Supervisors for possible revocation of the Special Use Permit. 13. The Special Use Permit shall be reviewed 36 months after Board of Supervisors approval by the Navajo County Planning and Zoning Department to determine whether it should be extended or terminated. 14. Development and use of the site shall include efforts, such as Best Management Practices, to reduce & mitigate dust created by this project. Efforts shall also be made to reduce the removal of vegetation during construction and use of the site and any roadways that provide access to the site. Upon the removal of the meteorological tower and associated structures, the site and any roadways that provide access to the site shall be restored and re-vegetated to their current/native condition. 15. Removal of Tower within six (6) months

The motion was seconded by Joel Lawson, and passed unanimously. In Favor: 5, Opposed: 1

Item # 4 – SPECIAL USE PERMIT, METEOROLOGICAL TOWER, JOSEPH CITY AREA: Discussion and possible Commission action on a request by Disgen Development Services, LLC for a Special Use Permit to place a Meteorological testing tower with a total height of 197 feet, for the purpose of measuring wind for the potential of developing alternative power on APN: 104-71-004, in Section 12, T19N, R19E.

Staff report was given by Greg Loper in item number 3.

Owner/Applicant Comments: No comments from owner/applicant.

In Favor: No one from the public came forward in favor of this Special Use Permit.

Opposed: No one from the public came forward in opposition of this Special Use Permit.

Staffs Questions/Comments: No questions/comments from staff.

A motion was made by Jason Hatch to approve this Special Use Permit with recommendations and conditions stated by staff adding the stipulation to remove tower within six months and removal of stipulation number eleven (11)

PUBLIC WORKS DEPARTMENT RECOMMENDATION: Should the Commission grant this Special Use Permit, staff would recommend the following stipulations be applied: 1. This *Special Use Permit shall allow for the installation of a meteorological tower, with a maximum height of 197 feet.* 2. *The meteorological tower shall be allowed to occur only in the location as indicated on the approved site plan, except as may otherwise be approved by the Navajo County Public Works Department.* 3. *Building permits are required for the meteorological tower and any accessory uses (such as fences, etc.), and the issuance of a permit shall be acquired prior to placement of any meteorological tower.* 4. *A Floodplain Use Permit (where required) shall be obtained prior to issuance of any building permits.* 5. *Meteorological tower and all guy-wire attachments/footings shall be enclosed by a security fence with a maximum height of 8' (excluding barbed wire or cyclone wire). Information regarding who to contact in the event of an emergency or any problems with the tower or its associated uses & structures shall be placed upon the fence. The information is to include a contact name, company name, and phone number for someone who can be reached 24 hours a day, 7 days a week.* 6. *The meteorological tower shall include the installation of low-intensity, red blinking lighting for night-time visibility that conforms to FAA and FCC regulations. The use of strobes or strobe-type lighting is prohibited. The meteorological tower shall also be painted in alternating orange/red and white colors in conformance with FAA and FCC requirements.* 7. *Prior to acquiring a building permit, the developer shall work with the Game & Fish Department to determine the installation of Bird Flight Diverters on the guy wires, the location of acoustic monitoring stations on the meteorological tower, and the installation of at least two (2) aircraft warning markers near the apex of the meteorological tower.* 8. *Prior to acquiring a building permit, the developer shall work with the Arizona Game & Fish Department and the U.S. Fish & Wildlife Service to select a meteorological tower site that avoids habitat features that congregate wildlife.* 9. *Provide GPS locations of the final site of the meteorological tower to the Arizona Game and Fish Department, and to the Navajo County Public Works Department.* 10. *The meteorological tower shall be located so it will not fall onto an adjacent property nor another structure.* ~~11. The minimum setback for the meteorological tower shall be 1,000' from the property boundary, and 750' from any public roadway.~~ 11. *Prior to issuance of any building permits for the meteorological tower, the developer shall submit to the Navajo County Public Works Department information regarding the manufacturer of the tower, structural information, information regarding who to contact in the event of an emergency or any problems with the tower, and information regarding how data is collected and transmitted.* 12. *Construction of the meteorological tower shall*

commence within twelve (12) months following approval by the Navajo County Board of Supervisors. Failure to do so may result in a review by the Board of Supervisors for possible revocation of the Special Use Permit. 13. The Special Use Permit shall be reviewed 36 months after Board of Supervisors approval by the Navajo County Planning and Zoning Department to determine whether it should be extended or terminated. 14. Development and use of the site shall include efforts, such Best Management Practices, to reduce & mitigate dust created by this project. Efforts shall also be made to reduce the removal of vegetation during construction and use of the site and any roadways that provide access to the site. Upon the removal of the meteorological tower and associated structures, the site and any roadways that provide access to the site shall be restored and re-vegetated to their current/native condition. 15. Sixth month removal.

The motion was seconded by **Bob Hall**, and passed unanimously. In Favor: 5, Opposed: 1

Item # 5 – ZONE CHANGE, CLAY SPRINGS AREA: Discussion and possible Commission action on a request by Younger Ranch, LLP for a Special Development Zone Change for the proposed Younger Ranch, a mixed-use community planned on the subject property known as APN: 208-06-012 A & 208-06-012B, in Section 4 & 9, T11N, R19E.

No Public Works Recommendation for ZONE CHANGE.

Bill Fraley presented the Staff report for the Zone Change. **Mr. Fraley** displayed the Master Development Site Plan that will be acted upon in item number 6 of the proposed project and informed the commission that item number 5 and 6 are the same but item 5 is a Zone Change and item 6 is a Master Development Site Plan for the Clay Springs Area. **Mr. Farley** stated that item 5 and 6 are separate items that would require separate motions, and that the site plan will be referenced throughout the Zone Change report for the commissions understanding of the Zone Change. The staff reports for both item 5 and 6 are the same the only difference is the Zone Change you can't add stipulations but can add in the Site Plan. **Mr. Fraley** stated that it is to change the zoning classification from A-General to Special Development (SD) with a Master Site Plan to allow the development of approximately 314 acres in to a multi-use Planned Unit Development. The proposed number of units is approximately 645, and the development will be known as Younger Ranch. The 645 proposed unites with 314 acres which basically is 2 units per acre.

Mr. Fraley said that the drainage, State Route 260 Ingress and Egress, Primary Access to Northerly Parcel, and Secondary Access have also been addressed which is state in the staff report. The Public Works Department staff has reviewed the Zone Change proposal and determines that it doesn't have any major items of concerns, but has conditions that should be applied should the Commission decide to grant this Master Development Site Plan request, which were read into the record.

Owner/Applicant Comments: **Danny Shire**, applicant stated the Special Development will allow for various dwelling types, commercial use, parks, open spaces for recreation, and other community facilities. There are five (5) different blocks and the goal is to pave the streets have the water, sewer available so they can sell the block of land to a specific builder who in turn can submit a tentative/final plat as to how the developer can design as he see fits. The mixed-use community plan was strategically "knitted" together with significant open spaces amenities including trails, greenbelts and the preservation of Cottonwood Wash. **Mr. Shire** further covered the proposed project covering the vicinity, design philosophy, site conditions that included the topography, drainage, wash corridor preservation, vegetation, lighting, traffic and circulation, fencing, landscape concept, streets, open space/recreation center, equestrian use, surrounding land uses, water, sewer, and dry utilities.

In Favor: No one from the public came forward in favor of the Zone Change.

Opposed: **Dannette Weiss** of Game and Fish stated the one of her other duties with Game and Fish is to work with developers in Navajo County. Game and Fish would like to begin to work with the Developers regarding development plans due to that area may be a corridor for game movement. Game and Fish can assist in dry-scaping, and putting things along the wash with the developer to cut down on nuisance wildlife or facilitate wildlife movement through areas.

Staffs Questions/Comments:

Chuck Teetsel asked the applicant and developer when they anticipate beginning development. **Danny Shire** responded that 2012 is the groundbreaking. **Bruce Ironside** further responded to Mr. Teetsel question as to what prompt them to break ground in 2012. **Joel Lawson** stated that the developer wants to begin in 2012, and does

that mean you won't start any thing soon or further down the road. **Bruce Ironside** responded that currently we want to be able sell lots in 2012 so that mean we would have to develop the infrastructure prior to 2010 due to that it take 1 year construct and to get a permit for a waste water treatment plant within Navajo County. **Mr. Ironside** further stated the infrastructure within a year and submits a tentative plate within the next six months. **Joel Lawson** asked if the top half will be sold as in the bottom. **Bruce Ironside** responded yes. **Chuck Teetsel** asked if there is a Financial Assurance. **Bill Fraley** responded that at the time a final plat is filed the assurance does exist.

Ruth Ann Smith asked in terms of what you're looking at for as a secondary access all the way to SR 260. **Bruce Ironside** responded that they do recognize that having double access is being looked at and they are presently in negotiations with the Forest Service. **Mr. Ironside** said they are further open to work within the property to find ways to improve some of the roads east of the project.

A motion was made by **Chuck Teetsel** to approve this Zone Change as requested and stated by staff. The motion was seconded by **Jason Hatch**, and passed unanimously. In Favor: 6, Opposed: 0

Item # 6 – MASTER DEVELOPMENT SITE PLAN, CLAY SPRINGS AREA: Discussion and possible Commission action on a request by Younger Ranch, LLP for a Master Development Site Plan for the proposed Younger Ranch, a mixed-use community planned on the subject property known as APN: 208-06-012 A & 208-06-012B, in Section 4 & 9, T11N, R19E.

The Staff report was presented by **Bill Fraley** who introduced the item which is a request for a Master Development Site Plan

Bill Fraley presented the Staff report for the Master Development Site Plan. **Mr. Fraley** displayed the Master Development Site Plan and reiterated that the staff report that was previously given in item number 5 is the same and will be addressing the stipulations staff is recommending. The Public Works Department staff has reviewed the mater Developments Site Plan proposal and determines that it doesn't have any major items of concerns, but has conditions that should be applied should the Commission decide to grant this Master Development Site Plan request, which were read into the record.

Owner/Applicant Comments: There were no comments from the owner/applicant.

In Favor: No one from the public came forward in favor of the Master Development Site Plan.

Opposed: No one from the public came forward in opposition of this Master Development Site Plan

Staffs Questions/Comments:

Bill Fraley stated that Public Works didn't receive any email/letters that are against the project request.

A motion was made by **Joel Lawson** to approve this Special Use Permit with recommendations and conditions stated by staff. **In Favor: 6 Opposed: 0**

PUBLIC WORKS DEPARTMENT RECOMMENDATION: Should the Commission grant this Master Development Site Plan staff would recommend the following stipulations be applied: 1. *All technical requirements of the Subdivision Regulations and Requirements, Flood Control Ordinance, Building Safety Ordinance and applicable codes shall be adhered to and approved at the proper Tentative Plat, Final Plat or Building Permit and construction phase (to include, without limitation, the Traffic Impact Analysis, Flood Plain Study, Drainage Study, Construction Improvement Plans and Grading Plans).* 2. *Prior to the submittal of the Tentative Plat, the northern parcel of the proposed project must have a recorded primary access.* 3. *A Traffic Impact Analysis will be submitted with the Tentative Plat.* 4. *A Preliminary Drainage Report will be submitted with the Tentative Plat.* 5. *A Floodplain Study shall be submitted for approval showing the delineation of the one percent (1%) chance floodplain, floodway and base flood elevations.* 6. *For any study that determines a new floodplain or makes changes to a floodplain, a Conditional Letter of Map Revision (CLOMR) shall be submitted to FEMA prior to the Final Plat Approval. The Grading Plan for the phase affected by the floodplain changes shall not be approved until the CLOMR is approved by FEMA. No later than 6 months after the drainage improvements are completed the developer shall submit for a Letter of Map Revision (LOMR) to FEMA, if #6 applies.* 7. *The Army Corps of Engineers Regulatory Division must be consulted, by the developer, whenever the jurisdictions of Waters of the United States are in question. Documentation shall be provided with the Final Plat*

indicating the Corps jurisdictional determination. 8. Preliminary ADOT Entry Road plans shall be submitted with the Tentative Plat.

The motion was seconded by **Jason Hatch**, and passed unanimously. In Favor: 6, Opposed: 0

Item # 7– ZONING ORDINANCE AMENDMENT: SPECIAL USE PROCESS: Amendment to Section 2002 of the Navajo County Zoning Ordinance to clarify General Conditions Applicable To All Special Use Permits.

Lance Payette presented the Staff Report for the Zoning Ordinance Amendment concerning Special Use process. Mr. Payette stated that a proposed Text Amendment to Section 2002 of the Navajo County Zoning Ordinance (Special Uses) to clarify the procedures for the review and approval of Special Use and related Special Use Permits. The Navajo County Zoning Ordinance, adopted in 1975, is outdated in many respects. One of these is in regard to the “standard” for which a Special Use can be approved, reviewed, or even revoked. In many cases, the existing language somewhat “ties” the Commissioner’s and Boards hands by setting a standard which is difficult for even the most “easy” project to achieve. Additionally, a number of court decisions and related case law have occurred which make the existing language somewhat “out of touch”

Owner/Applicant Comments: There were no comments from the owner/applicant due to that it was given in the staff report.

In Favor: No one from the public came forward in favor of the Zoning Ordinance Amendment.

Opposed: Kay Turner has an issue with the removal/rewording of number three (3) where it states “specifics evidence and facts showing that the public health, safety and general welfare will not be adversely affected” should be left as is due to that it will ensure the public is protected which is the County job. **Ms. Turner** requested that the wording of “the protection of adjacent property or the permitted uses thereof” towards the end of number three be left as is too. **Greg Loper** responded to Ms. Turner and the commission that Section 2002 Number 4 J and K address that concern Ms. Turner stated. **Kay Turner** responded that she is still requesting that it be left as is and that promote is not the same as protecting, and she would rather have protection than promote the public health. **Greg Loper** further clarified that the public health and welfare is not being overlooked and will always be considered by the county first. **Kathy Hemenway** expressed the same concern as the removing of “the protection of adjacent property or the permitted uses thereof” and should stay the same. **Lance Payette** responded that we can’t just protect the adjacent property owners, but all who are in the vicinity of the proposed use area. Joel Lawson said that Section 2002 Number 4 J addresses the concern stated by Ms. Turner and Hemenway.

Staffs Questions/Comments:

Chuck Teetsel stated further that it doesn’t take away the obligation to protect the public, welfare, health, and safety. It does define the job, the promotion of general welfare, health, and safety.

A motion was made by **Joel Lawson** to approve this **Special Use Permit** with recommendations and conditions stated by staff.

The motion was seconded by **Ruth Ann Smith** , and passed unanimously. In Favor: 6, Opposed: 0

Item #8 – Possible approval of November 19, 2009 Minutes. **Bob Hall** made a motion to approve the minutes. **Jason Hatch** seconded the motion. In Favor:6, Opposed: 0, Motion passed.

Item #9 – Commissioners Comments and directions to staff. Commissioners may use this time to offer additional comments regarding any item on this agenda or any other topic; and the Commission may direct Development Services Department staff to study or provide additional information on topics of the Commissions’ choosing.

Greg Loper introduced staff and new to the Public Works Department, Bill Bess as the Assistance Public Works Director and County Engineer. **Mr. Loper** asked the commission how they would like to be contacted if requested by county residents and or developers. It can range from providing the requesting party the commissioners phone number or rather they make contact through the Planning and Zoning division. There was a consensus amongst the commissioners that they would rather have staff be contacted through staff. **Mr. Loper** provided a status report of the recent developments of an Wind Ordinance is being developed, that Iberdrola Phase 2 will likely come before the commission next month, and Aztec Land Cattle Company will be brought before the commission which staff is now reviewing.

With there being no further business to come before the Planning and Zoning Commission, the meeting was adjourned at 8:35 p.m. a motion was made to adjourn the meeting by **Ruth Ann Smith**. **Joel Lawson** seconded the motion. Motion carried.

Approved this 20th day of May, 2010

Wendell DeCross

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Alberto L. Peshlakai

Secretary, Navajo County
Planning & Zoning Department